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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/642,937

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EXAMINER

YOO, JASSON H

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/642,937	Applicant(s) NGUYEN ET AL.	
	Examiner Jasson H. Yoo	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/11/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-29 and 61-68 is/are pending in the application.
- 4a) Of the above claim(s) 10-12, 27-29, 65 and 66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13-15, 17-26 and 61-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 10-12, 27-29, 65-66 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/13/08.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 62 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim limitation of "wherein the first device is not configured for playing the tournament when the first device is selected by the player for playing the tournament" is not described in Applicant's specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3714

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 13-15, 17-26, 61-62, 64, 67, 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker'163 (US 6,077,163) in view of Walker'486 (6,224,486), and in view of Shulman (US 2002/0123377).

Claims 1, 62. Walker'163 discloses a gaming method and a game apparatus system, comprising: a network server (106 in Fig. 1) receiving an identifier (cols. 4:45-49, 6:1-12) from a gaming unit (cols. 3:52-56, 5:15-21) selected by a player to play in a tournament (player selects the gaming unit if the player decides to play on the gaming unit), wherein the identifier is associated with a game card (col. 4:49-53), wherein the game card is provided to a player in response to paying a fee (Player tracking game card is associated with player credit information, cols. 3:36-39, 6:5-6); the network server determining whether the identifier received is authentic (network server verifies the player identifying information, col. 3:55-56); a processor to determine a duration the player may play the game based on the identifier (col. 6:36-55); the processor to enable the gaming unit for player during the duration (col. 2:3-27), wherein enabling of the first gaming unit comprises loading gaming software to the first gaming unit in order to configure the first gaming unit for playing (electronic gaming unit 102 loads gaming software for playing a game, cols. 3:63-4:5); a processor to determine a winner of the game generate a value payout to be awarded to the winning player (col. 4:15-25).

Art Unit: 3714

Walker'163 further teaches the gaming method and the gaming apparatus system is used to play tournaments (col. 1:23-41), but fails to specifically teach the network server is a tournament server. However, in an analogous art, Walker'486 teaches a gaming method and a gaming apparatus system, in which players participate in a tournament through input/output devices (gaming unit) connected to a central controller (tournament server) which manages the tournament (Walker'486, cols. 3:65-4, 12:40-49). Similarly to Walker'163's network server, Walker'486's tournament server (Walker'486, col. 5:16-23) receives a player's identifier (Walker'486, col. 6:33-49) from a gaming unit (Walker'486, col. 6:30-31), and authenticates the identifier (by accessing a database and determining if the player is eligible to play, Walker'486, cols. 6:38-7-20). The tournament server comprises a tournament database (Walker'486, col. 7:5-9), which keeps track of player's game data such as player's credits, payer performance data, and player preferences (Walker'486, col. 7:10-39). Furthermore, Walker'486 discloses the gaming unit loads gaming software to configure the gaming unit for playing in the tournament (Walker'486, col. 14:25-58). Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Walker'163 gaming method and gaming apparatus system and incorporate a tournament server in order to play in tournaments as suggested by Walker'163 (col. 1:23-41) and Walker'486 (cols. 3:65-4, 12:40-49). A tournament server would allow a plurality of remote gaming units to participate in the tournament, and simplify the collection of entry fees and payment of prizes, as well as allowing for rating and handicap systems (Walker 486, col. 3:65-4:4). It is noted that the combination of

Art Unit: 3714

Walker'163 and Walker'486 discloses the limitation of configuring a first gaming unit for playing in a tournament, said first gaming unit being selected by a player to play said tournament, comprising loading gaming software to said first gaming unit, since Walker'163 discloses that gaming software is loaded in order to play the game (Walker'163, cols. 3:64-4:2).

Walker'163 in view of Walker'486 discloses the claimed invention as discussed above but fails to teach the player may play in the tournament in progress, based on the time remaining the tournament. However, as discussed in the 35 USC 112 rejections above, it is not clear how these separate embodiments are incorporated into one invention. Nevertheless, it would have been obvious to modify Walker'163 in view of Walker'486 and have an embodiment wherein the duration of play is based on the time remaining in the tournament. In an analogous art to methods of play games and tournaments, Shulman discloses a method of determining the player to play in a tournament in progress, based on the time remaining in the tournament. More specifically, Shulman discloses a player can join the tournament after observing the tournament that's in progress (paragraphs 12, 16-18, and 31). The player can play in the tournament until the tournament ends. This allows the player to observe the game, including the type of player, their betting habits, and the aggressiveness of their play before joining the tournament (paragraph 16). Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Walker'163 in view of Walker'486 method of playing a game, and incorporate Shulman's method of playing in a tournament in progress for the time remaining in the tournament,

Art Unit: 3714

in order to allow a player to participate in a tournament after the player has observed the game.

Claim 2. The combination of Walker'163, Walker'486 and Shulman discloses the identifier is printed on the tournament game card (Walker'163, col. 4:42-53; Walker'486, col. 7:15-20).

Claim 3. The combination of Walker'163, Walker'486 and Shulman discloses the identifier is electronically encoded on the tournament game card (Walker'163, col. 4:42-53).

Claims 4, 22. The combination of Walker'163, Walker'486 and Shulman discloses the duration comprises an amount of time (Walker'163, col. 3:6-30).

Claims 5, 23. The combination of Walker'163, Walker'486 and Shulman discloses the duration comprises a number of games (handles pulled, Walker'163, col. 3:6-30).

Claims 6, 24. The combination of Walker'163, Walker'486 and Shulman discloses determining the duration based on the identifier comprises retrieving the duration from storage based on the identifier (Walker'163, col. 3:6-39; and Walker'486, cols. 6:49-7:20).

Claims 7, 25. The combination of Walker'163, Walker'486 and Shulman discloses determining the duration based on the identifier comprises decoding the identifier to determine the duration (Walker'163, cols. 3:6-39, 4:42-65; and Walker'486, cols. 6:49-7:20).

Claim 8, 26. The combination of Walker'163, Walker'486 and Shulman discloses the duration comprises an amount of time, the method further comprising: initializing a timer with the determined amount of time; starting the timer; wherein enabling the first gaming unit comprises enabling the first gaming unit for play in the tournament while the timer is running; stopping the timer after the timer has run for the determined amount of time (Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

Claim 9. The combination of Walker'163, Walker'486 and Shulman discloses stopping the timer at a request of the player; and restarting the timer at a request of the player if the timer has not run for the determined amount of time (Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

Claim 13. The combination of Walker'163, Walker'486 and Shulman discloses a gaming method according to claim 8, wherein the timer is implemented, at least in part, by the first gaming unit (Walker'163, 12:43-51).

Art Unit: 3714

Claim 14. The combination of Walker'163, Walker'486 and Shulman discloses the first gaming unit is operatively coupled to the tournament game card, wherein the timer is implemented, at least in part, by the tournament game card (player tracking device is associated with player credits/flat rate remaining, Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

Claim 15. The combination of Walker'163, Walker'486 and Shulman discloses the timer is implemented, at least in part, by the tournament server (database server keeps track of player credits/and flat time remaining, Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

Claim 17. The combination of Walker'163, Walker'486 and Shulman discloses the gaming software comprises at least one of an executable file, a configuration file, a data file, a pay table, and a plurality of seeds for a random number generator (The central controller has software to manage the tournament, Walker'486, col. 5:32-34. An executable file, configuration file, a data file, a pay table, and plurality of seeds for a random number generator are necessary to manage a slot machine tournament.).

Claim 18. The combination of Walker'163, Walker'486 and Shulman discloses the tournament game card comprises at least one of a magnetic swipe card, a smart card, a PC card, and a portable memory device (Walker'163, col. 4:43-53).

Art Unit: 3714

Claim 19. The combination of Walker'163, Walker'486 and Shulman discloses receiving the tournament score of the player before the timer has stopped (Duration is based on score/winning outcomes. Thus the score is tracked before the timer has stopped, Walker'163, col. 3:6-30. Furthermore, player's performance data is received from the database, Walker'486 col. 7:21-26).

Claim 20. The combination of Walker'163, Walker'486 and Shulman discloses receiving the tournament score of the player after the timer has stopped (Scores are received after the end of the game player to award the winning player).

Claims 21, 61, 67. See rejection for claim 1, and the cited references for the structural limitations of the tournament server.

Claim 64. The combination of Walker'163, Walker'486 and Shulman discloses determining whether the tournament identifier has been received within a acceptable time window allocated for tournament play (the player can provide the identifier and enter the tournament when the tournament beings and until the tournament ends).

Claim 68. See claim 67 above. Furthermore, Walker'163 in view of Walker'486 and in view of Shulman discloses the claim invention as discussed above (see claim 67). Shulman further discloses the gaming unit is a personal computer that is commercially available (paragraph 23). However, Walker'163 in view of Walker'486 and

Art Unit: 3714

in view of Shulman fails to specifically teach that the computing system includes a portable gaming device. Nevertheless it is notoriously well known in the art that personal computers are available in portable forms. Portable computers (known as laptops or notebooks) allow the user to easily carry the computer to various locations. This will allow the user to play in the tournament at various locations. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Walker'163 in view of Walker'486, and in view of Shulman's computing system, and incorporate a portable gaming device in order to allow the player to easily carry the gaming device to various locations, and play at various locations.

Claims 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walker'163 in view of Walker'486, and in view of Shulman as applied to claim 62 above, and further in view of Walker'173 (US 2002/0013173),

Claim 63. The combination of Walker'163, Walker'486 and Shulman discloses the claimed invention as discussed above, but fails to teach the first gaming unit is not configured for playing in the tournament when the first gaming unit is selected by the player, wherein the tournament is in progress when the identifier is received, and configuring the first gaming unit for playing in the tournament in response to receiving the identifier when the identifier is determined to be authentic, thereby allowing the player to use the first gaming unit to join the tournament is progress. Nevertheless, it would have been obvious to one of ordinary skilled in the art to configure a gaming

Art Unit: 3714

machine to play a particular game that is not originally configured. Walker'173 discloses a method of configuring a gaming machine (paragraphs 28, 69) upon an identifier (paragraphs 67-68). The identifier or identification number is associated with a player tracking card (paragraph 67). After the player identification number is then authenticated (paragraphs 35, 67), the gaming machine is configured according the player's information (paragraphs 28, 69-78). The player information may configure the gaming machine to play certain games (game eligibility, paragraphs 28, 48, 62). When modifying Walker'163 in view of Walker'486, and in view of Shulman's method of playing a tournament with Walker'173's method of configuring gaming machines that were not originally configured, gaming machines that are not configured to play in the tournament will now be configured to play in the tournament. Therefor the player can play on any gaming machine within the casino or gaming center. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the method of playing a tournament game as suggested by the combination of Walker'163, Walker'486, and Shulman, and incorporate Walker'173's method of configuring a gaming machine, in order to allow users play a tournament game using any gaming machine within the casino.

Response to Arguments

Applicant's arguments with respect to claims 1-9, 13-15, 17-20, 61-64, 67-68 have been considered but are moot in view of the new ground(s) of rejection.

A new rejection has been made using Walker'163, Walker'486, Walker'173, and Shulman to address the amended limitations.

Applicant further asserts that the Walker'163, in view of Walker'486, in view of Walker'173, and in view of Shulman fails to disclose the claimed invention because Walker'173 fails to teach that the player may join the tournament while the tournament is in progress. However, Walker'173 was not relied upon to teach the method of joining a tournament while the tournament is in progress. The Schulman reference was relied upon to teach this limitation. Schulman discloses that a player can join the tournament after observing the tournament that's in progress (paragraphs 12, 16-18, and 31). Thus the combination of Walker'163, in view of Walker'486, and in view of Shulman discloses the claimed invention.

Furthermore, Applicant points out that Shulman fails to teach a player identifier and the concept of time. More specifically, Applicant argues that Shulman's tournament is a poker game, and thus can not be incorporated with Walker'163's flat rate play. However, it is noted that the test of obviousness is not whether the features of a secondary reference may be bodily incorporated in the structure of the primary reference. Rather, the test is what the combined teachings of those references would have suggested to those of ordinary skill in the art. Walker'164 discloses a player identifier (col. 4:49-53) and playing for a duration of time (cols. 6:36-55, 2:3-27). Shulman's reference is relied upon to enter a tournament in progress. Thus the combination of Walker'163, in view of Walker'486, and in view of Shulman discloses a player identifier and the concept of time.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JHY

/Peter D. Vo/

Supervisory Patent Examiner, Art Unit 3714